

MISSISSIPPI BOARD OF PHARMACY

MINUTES

January 18, 2024

The Mississippi Board of Pharmacy (Board) met at 9:00 a.m. on Thursday, January 18, 2024, at the Board offices, 6311 Ridgewood Road, Suite E 401, Jackson, MS 39211. The following members were present: Ronnie Bagwell – President, Tony Waits – Vice-President, Ryan Harper – Secretary, Jillian Foster, Craig Sartin, David Hudson, and Michael Gilbow.

CONSENT AGENDA

Jasmine Taylor appeared before the Board and requested her voluntary surrender be removed from the Consent Agenda and proceed with an administrative hearing during the Respondents portion of the Agenda. Such request was approved by the Board.

The following items were reviewed by Board members and approved without objection. See attached.

- ❖ The Agenda for this meeting and the Website Declaration of this meeting shall be placed in the minutes. See attached.
- ❖ Minutes for the November 15th and 16th, 2023, Meetings of the Mississippi Board of Pharmacy.
- ❖ APPROVE ISSUANCE OF PHARMACIST LICENSES
- ❖ REQUESTS FOR APPROVAL OF THE FOLLOWING PHARMACY CONTINUING EDUCATION PROGRAMS:
 - PROGRAM NUMBER 011-029-023-001, “**Drug Interactions that Kill**”, as requested by Katie Schipper for 1 clock hours of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 012-020-023-001, “**MPHA Spring Quarterly Journal**”, as requested by MPHA for 2 clock hours of pharmacist continuing education credit. (Credit granted for February 1, 2024-February 1, 2025).
 - PROGRAM NUMBER 012-028-023-001, “**Treatment of ESBL Infections: Does Piperacillin/Tazobactam Have a Role to Play?**”, as requested by Connor Dowling for 1 clock hour of LIVE pharmacist continuing education credit.
 - PROGRAM NUMBER 001-009-024-001, “**16th Annual Mississippi Addiction Conference, “Elevating Impactful Treatment of Addiction”**”, as requested by Donna Young for 16 clock hours of LIVE pharmacist continuing education credit.

- PROGRAM NUMBER 001-009-024-002, “**From Discovery to Debate: Asparaginase’s Journey and Recent Safety Dilemmas**”, as requested by Jenna Cyrus for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 001-009-024-003, “**Acetaminophen Overdose: Evolving Treatment Options**”, as requested by Andrew Bates for 0.5 clock hours of LIVE pharmacist continuing education credit.
- PROGRAM NUMBER 001-009-024-004, “**Antimicrobial Stewardship & Transitions of Care**”, as requested by Gabriellia Harmon for 1 clock hour of LIVE pharmacist continuing education credit.

❖ CONSULTANT WAIVER REQUESTS

❖ SURRENDERS AND REVOCATION ORDERS

- Edward Leathers, License to Practice Pharmacy Number T-09634
Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.
- Jakeria Wash, Pharmacy Technician Registration Number PT-223541
Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.
- Kimberly Burkeen, Pharmacy Technician Registration Number PT-226846
Upon review of the Notice of Hearing, Complaint and Affidavit, the attached Order was adopted by the Board.

Upon a motion by Board Member Ryan Harper and a 2nd by Board Member Tony Waits, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(b) for the purposes of discussing potential litigation. On a motion by Board Member Craig Sartin and a 2nd by Board Member Mike Gilbow, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during the executive session.

EXECUTIVE DIRECTOR REPORT

Susan McCoy, Executive Director, reported to the Board concerning day-to-day activities of the agency.

REGULATION WORKING GROUP

Todd Dear, Associate Director, presented the following regulations:

- **Article XXX**
- **Article XXXV**
- **Administrative Rules**

Upon recommendation by staff, the Board adopted Article XXX, Article XXXV and the Administrative Rules as proposed regulations without objection.

GENERAL BUSINESS

- Presentation by Ochsner Rush Health Campus: Mobile 800 unit and Health System Distribution of Product Request

Upon a motion by Board Member Craig Sartin and a 2nd by Board Member David Hudson, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(j) for the purposes of discussing the location and/or expansion of a business or medical service. On a motion by Board Member Tony Waits and a 2nd by Board Member Ryan Harper, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during executive session.

Upon a motion by Board Member Jillian Foster and a 2nd by Board Member Ryan Harper, the Board unanimously voted to approve the operation of a mobile 800 unit (503A pharmacy) located on the grounds of Oschner Rush Health Campus for a period of twenty-four (24) months while a pharmacy inside the hospital is under construction.

Upon a motion by Board Member Craig Sartin and a 2nd by Board member Tony Waits, the Board unanimously voted to deny issuing a 503A pharmacy permit with any exemptions or waivers of either federal or Mississippi pharmacy laws and/or regulations.

- Veteran's Choice/Rotech Business Model Request

Upon a motion by Board Member Ryan Harper and a 2nd by Board Member Tony Waits, the Board voted unanimously to go into executive session pursuant to Section 25-41-7(4)(j) for the purposes of discussing the location and/or expansion of a business or medical service. On a motion by Board Member Tony Waits and a 2nd by Board Member Ryan Harper, the Board voted unanimously to rise from executive session and enter open session. It was reported that no action was taken during executive session.

After discussion, the Board advised that Veteran's Choice and Rotech are required to have separate facility permits. The Board further advised that the businesses must be in separate locations and be maintained separately, including all business records.

- Michael Robinson-PIC waiver Request

Upon a motion by Board Member Craig Sartin and a 2nd by Board member Ryan Harper, the Board voted to grant the PIC waiver request. Votes in favor of motion: Ronnie Bagwell, Tony Waits, Ryan Harper, Jillian Foster, Craig Sartin and David Hudson. Votes against motion: Mike Gilbow.

RESPONDENTS

Ti' Angela Newell, Pharmacy Technician Registration Number PT-224074
After an administrative hearing on this matter, the Board issued the attached Order.

The following administrative hearings were conducted together without objection from either Respondent.

LaShandra Phelon, Pharmacy Technician Registration Number PT-219415
After an administrative hearing on this matter, the Board issued the attached Order.

Jasmine Taylor, Pharmacy Technician Registration Number PT-216405
After an administrative hearing on this matter, the Board issued the attached Order.

Destin Healthcare, Medical Equipment Supplier Permit No. 18391/11.1
After an administrative hearing on this matter, the Board issued the attached Order.

PETITIONERS

Ti' Angela Newell, Pharmacy Technician Registration Number PT-224074
After an administrative hearing on this matter, the Board issued the attached Order.

The following administrative hearings were conducted together without objection from either Respondent.

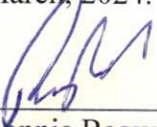
LaShandra Phelon, Pharmacy Technician Registration Number PT-219415
After an administrative hearing on this matter, the Board issued the attached Order.

Jasmine Taylor, Pharmacy Technician Registration Number PT-216405
After an administrative hearing on this matter, the Board issued the attached Order.

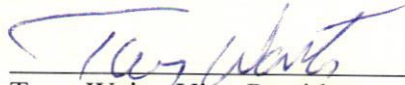
Kolton McCarty, Intern/Extern Registration IE-8448
After an administrative hearing on this matter, the Board issued the attached Order.

The Board adjourned at 2:01 p.m.

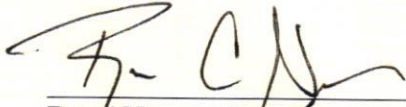
These January 18, 2024, MINUTES of the Board are hereby approved this the 28th day of March, 2024.



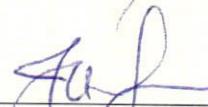
Ronnie Bagwell, President




Tony Waits, Vice-President



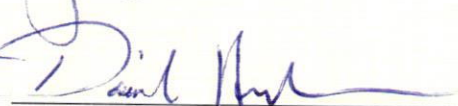
Ryan Harper, Secretary




Jillian Foster



Craig Sartin



David Hudson



Michael Gilbow

Mississippi Board of Pharmacy
January 18, 2024

AGENDA

I. CALL TO ORDER/ESTABLISH A QUORUM

- PRAYER AND PLEDGE
- WELCOME AND SPECIAL INTRODUCTIONS

II. CONSENT AGENDA & WEBSITE DECLARATION

- APPROVE AND SIGN MINUTES
- CONTINUING EDUCATION REQUEST
- APPROVE ISSUANCE OF PHARMACIST LICENSES
- CONSULTANT WAIVER REQUESTS
- SURRENDERS
 - Edward Leathers-Pharmacist
 - Jakeria Wash-Technician
 - Jasmine Taylor-Technician
 - Kimberly Burkeen-Technician

III. EXECUTIVE DIRECTOR REPORT

IV. REGULATION WORKING GROUP

- Article XXX LTC
- ADMINISTRATIVE RULES
- Article XXXV IEMK

V. GENERAL BUSINESS

- **Ochsner Rush Health Campus: Mobile 800 unit and Health System Distribution of Product Request**
- **Veteran's Choice/Rotech Business Model Request**
- **Michael Robinson-PIC waiver Request**

VI. RESPONDENTS

- **Ti'Angela Newell** Respondent
- **Lashandra Phelon** Respondent
- **Destin Healthcare** Respondent

VII. PETITIONERS

- **Kolton McCarty** Petitioner

Came on January 18, 2024, the matter of Edward Leathers, License to Practice Pharmacy, Certificate of Registration Number T-09634, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ronnie Bagwell and David Hudson served on the Investigative Review Committee and did not participate in this hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF LICENSE**

IN THE MATTER OF:

EDWARD LEATHERS
304 CARDINAL LANE
SENATOBIA, MS 38668

LICENSE TO PRACTICE PHARMACY NUMBER T-09634
JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Edward Leathers, License to Practice Pharmacy Number T-09634, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Edward Leathers, License to Practice Pharmacy Number T-09634, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 O:

Theft or embezzlement of prescription drugs, controlled substances, medical devices or funds from a permitted facility.

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 J:

Addiction to or dependence on alcohol, controlled substances or other habit forming legend drugs or the unauthorized use, possession or theft of controlled substances or other habit forming legend drugs.

Specifically, on October 18, 2023, Edward Leathers, Pharmacist License Number T-09634, admitted to taking hydrocodone/APAP 10/325mg from May's Pharmacy, Permit Number 00142/1.1. Leathers also admitted to being addicted to prescription drugs.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.

- (3) The Respondent was issued License to Practice Pharmacy, Number T-09634, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) The Respondent committed the violation as charged.
- (6) The Respondent voluntarily surrendered his pharmacist license.

FINAL ORDER OF THE BOARD

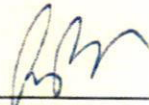
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- The Board officially accepts the voluntary surrender of License to Practice Pharmacy Number T-09634.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, License to Practice Pharmacy Number T-09634 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of his license. The Board will not consider a petition for reinstatement of this license until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Six Hundred Seventy Dollars and Twenty-Nine Cents (\$670.29).
- The total cost of investigation shall be paid by the Respondent prior to the reinstatement of his license.
- The cost of investigation shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

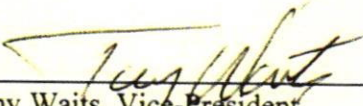
All members participating in the hearing affirmed this Order.

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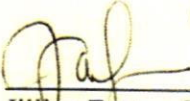
ORDERED AND AGREED TO, this the 18th day of January 2024.




Ronnie Bagwell, President



Tony Waits, Vice-President



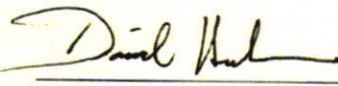
Jillian Foster, Secretary



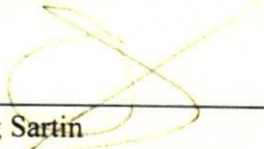
Michael Gilbow



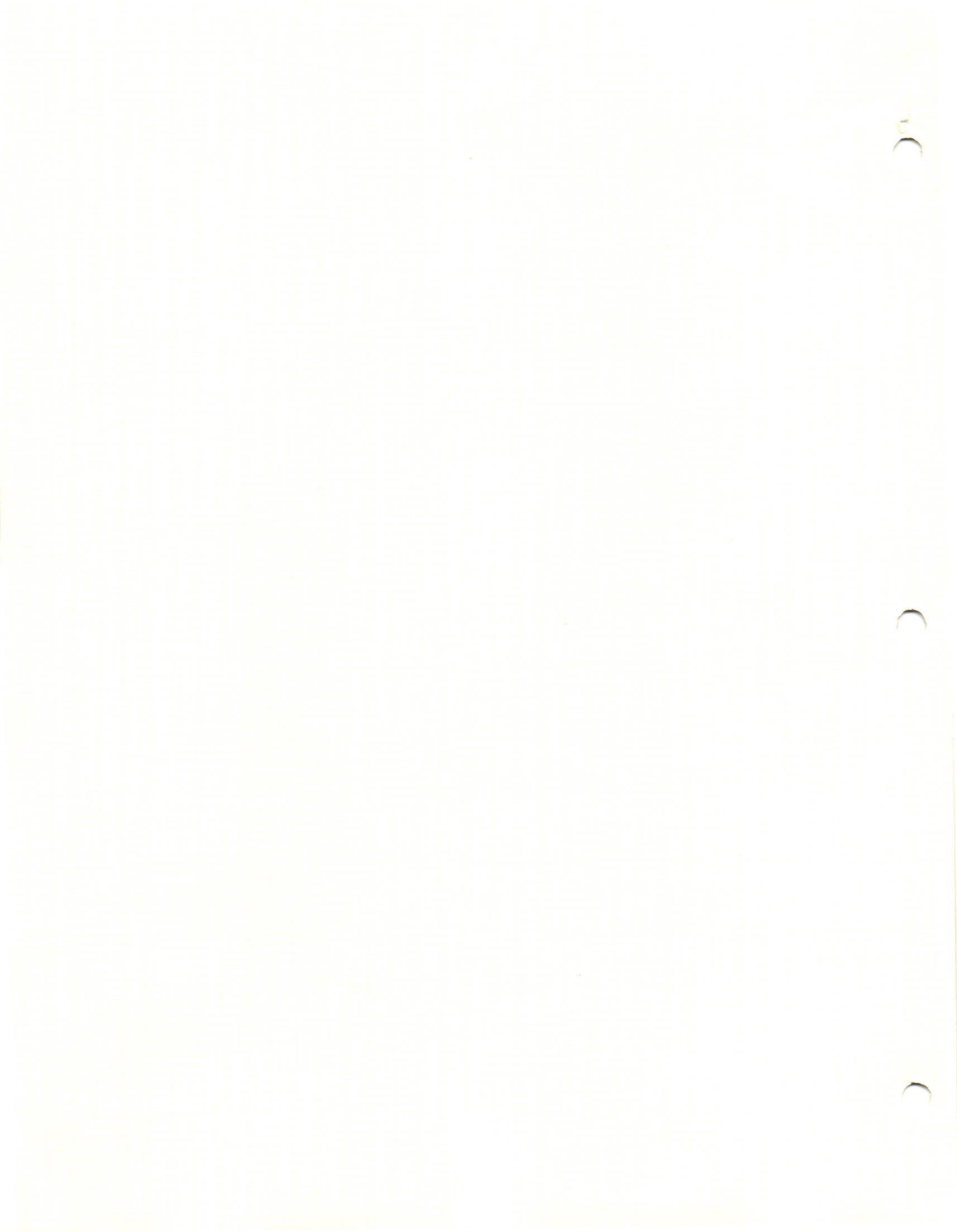
Ryan Harper



David Hudson



Craig Sartin



Came on January 18, 2024, the matter of Jakiria J. Wash, Pharmacy Technician Registration Number PT-223541, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ronnie Bagwell and David Hudson served on the Investigative Review Committee and did not participate in this hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF REGISTRATION**

IN THE MATTER OF:

JAKIRIA J. WASH
122 EAST DINKINS STREET
CANTON, MISSISSIPPI 39046

PHARMACIST TECHNICIAN REGISTRATION NUMBER PT-223541
JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Jakiria J. Wash, Pharmacy Technician Registration Number PT-223541, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Jakiria Wash, Pharmacy Technician Registration Number PT-223541, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 O:

Theft or embezzlement of prescription drugs, controlled substances, medical devices or funds from a permitted facility.

Specifically, Jakiria Wash, Pharmacy Technician Registration Number PT-223541, admitted to taking Percocet, Alprazolam, and Alprazolam ER from Brick City Drugs where she worked as a pharmacy technician. An audit conducted by Brick City Staff revealed the following quantities missing: Percocet 10mg- 399; Alprazolam 1mg- 33; Alprazolam ER 3mg- 30, and Alprazolam 2mg- 80.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.
- (3) The Respondent was issued a pharmacy technician registration by the Board, Pharmacy Technician Registration Number PT-223541, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) The Respondent committed the violation as charged.

- (6) The Respondent voluntarily surrendered her pharmacy technician registration.

FINAL ORDER OF THE BOARD

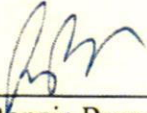
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-223541.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-223541 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of Seven Hundred Four Dollars and Nine Cents (\$704.09).
- The total cost of investigation shall be paid by the Respondent prior to the reinstatement of her registration.
- The cost of investigation shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

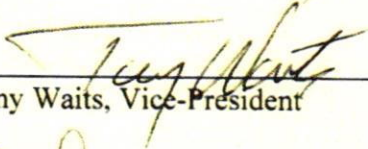
All members participating in the hearing affirmed this Order.

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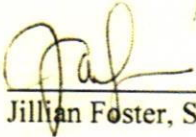
ORDERED AND AGREED TO, this the 18th day of January 2024.



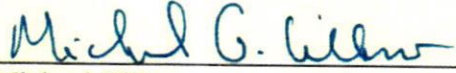
Ronnie Bagwell, President



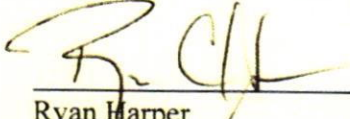
Tony Waits, Vice-President



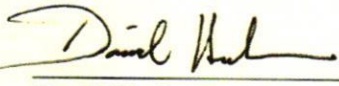
Jillian Foster, Secretary



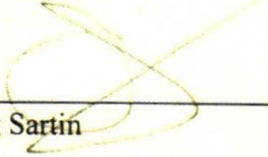
Michael Gilbow



Ryan Harper



David Hudson



Craig Sartin

Came on January 18, 2024, the matter of Kimberley Burkeen, Pharmacy Technician Registration Number PT-226846, herein also referred to as Respondent, pursuant to a "Notice of Hearing and Complaint" filed by the Mississippi Board of Pharmacy. Board members Ronnie Bagwell and David Hudson served on the Investigative Review Committee and did not participate in this hearing.

**MISSISSIPPI BOARD OF PHARMACY
VOLUNTARY SURRENDER OF REGISTRATION**

IN THE MATTER OF:

KIMBERLY BURKEEN
474 CR 1711
BAY SPRINGS, MS 39422

PHARMACIST TECHNICIAN REGISTRATION NUMBER PT-226846

JURISDICTION

The Mississippi Board of Pharmacy has jurisdiction of the subject matter and person of Kimberly Burkeen, Pharmacy Technician Registration Number PT-226846, pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.

STATEMENT OF CHARGES

Kimberly Burkeen, Pharmacy Technician Registration Number PT-226846, is alleged to have committed the following violation:

Mississippi Board of Pharmacy Administrative Rules, Rule 2.1 O:

Theft or embezzlement of prescription drugs, controlled substances, medical devices or funds from a permitted facility.

Specifically, on October 25, 2023, Michael Kennedy, pharmacist in charge for the South Center Regional Medical Center (SCRMC) (Permit No. 17080/15.1) reported diversion by a pharmacist technician to the Board. After an agent of the Board conducted interviews of employees of SCRMC it was disclosed that an employee saw a small white tablet fall out of the hand or pocket of Kimberly Burkeen, Pharmacy Technician Registration Number PT-226846. The employee reported this incident to the pharmacist on duty. The pharmacist on duty recalled that Burkeen failed to deliver a prescription of Hydromorphone 4mg-#90 on October 24, 2023. After conducting a count of the bottle, he noted that ten tablets of Hydromorphone 4mg were missing from the prescription and reported this to the pharmacist in charge, Michael Kennedy.

FINDINGS OF FACT

The Mississippi Board of Pharmacy, after being presented clear and convincing evidence, makes the following findings of fact:

- (1) The "Notice of Hearing and Complaint" along with a sworn affidavit detailing those charges was served pursuant to Section 73-21-99, Mississippi Code of 1972, Annotated.
- (2) The Respondent has been afforded all due process required by law.

- (3) The Respondent was issued a pharmacy technician registration by the Board, Pharmacy Technician Registration Number PT-226846, and as such was subject to jurisdiction of the Board pursuant to Section 73-21-97 (1)(f), Mississippi Code of 1972, Annotated.
- (4) The Respondent did not appear for the hearing and the hearing was held in absentia.
- (5) The Respondent committed the violation as charged.
- (6) The Respondent voluntarily surrendered her pharmacy technician registration.

FINAL ORDER OF THE BOARD

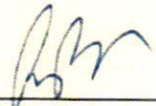
This ORDER OF THE BOARD is effective immediately. A certified copy of this ORDER shall be served on the Respondent and a copy maintained in the office of the Board.

- The Board officially accepts the voluntary surrender of Pharmacy Technician Registration Number PT-226846.
- Pursuant to Section 73-21-103 (1)(b), Mississippi Code of 1972, Annotated, Pharmacy Technician Registration Number PT-226846 is revoked.
- Pursuant to Section 73-21-103 (2), Mississippi Code of 1972, Annotated, Respondent shall have the right to petition the Board for reinstatement of her registration. The Board will not consider a petition for reinstatement of this registration until at least one (1) year from the date of this Order.
- Pursuant to Section 73-21-103(1)(d)(iii), Mississippi Code of 1972, Annotated, Respondent shall pay the cost of investigation and conduct of a proceeding in the amount of One Hundred Twenty-Severn Dollars and Sixty-Two Cents (\$127.62).
- The total cost of investigation shall be paid by the Respondent prior to the reinstatement of her registration.
- The cost of investigation shall be paid electronically through the Board of Pharmacy licensing system or by certified check, attorney's check or money order issued by a usual, customary, and reputable issuer (U.S. Postal Money Order, Western Union Money Order, etc.).

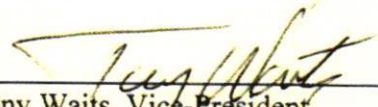
All members participating in the hearing affirmed this Order.

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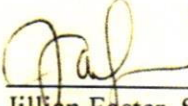
ORDERED AND AGREED TO, this the 18th day of January 2024.




Ronnie Bagwell, President



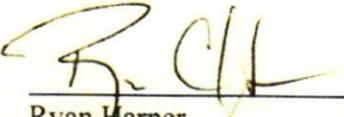
Tony Waits, Vice-President



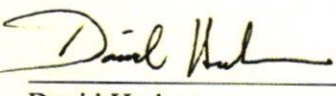
Jillian Foster, Secretary



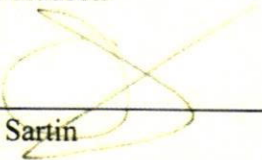
Michael Gilbow



Ryan Harper



David Hudson



Craig Sartin

ARTICLE XXX: LONG-TERM CARE FACILITIES (LTCF)

A. CONSULTING PHARMACISTS TO NURSING HOMES

1. Unless specifically authorized by the Board, no person shall serve as a consultant pharmacist or act or purport to act in this capacity to any nursing home unless he/she possesses the following qualifications:
 - A. Have and maintain a license to practice pharmacy within the State of Mississippi;
 - B. Have attended within the last two years a training course of not less than eight (8) hours in LTC or geriatric related pharmacy services that has been approved by the Board of Pharmacy;
 - C. In order to be approved by the Board of Pharmacy, the training course for a consultant pharmacist shall provide instruction in the areas of clinical pharmacy services, drug distribution systems and state and federal pharmacy regulations governing the practice of long-term care pharmacy.

2. For purposes of this ARTICLE, a Consultant Pharmacist shall mean a Mississippi licensed pharmacist who is responsible for developing, coordinating and supervising pharmaceutical services on a regularly scheduled basis in a LTCF, as well as the following responsibilities.
 - A. Reviewing policies and procedures regarding the distribution and storage of medications within the facility and as necessary making recommendations to the facility and provider pharmacist;
 - B. Monitoring utilization and therapeutic response of medications prescribed for and administered to residents of the facility as well as providing consultation on matters related to medications;
 - C. Serving as a resource for pharmacy related educational services within the facility;
 - D. Communication and discussion with the provider pharmacist regarding areas of concern and resolution thereof;
 - E. Serving on appropriate committees;
 - F. Supervising and assisting in the disposal of all discontinued, expired, or otherwise unneeded controlled substance medications;
 - G. Reviewing records of the destruction of all medications and verification of the reasons for destruction;
 - H. Ensuring that complete and accurate records of the acquisition and disposition of controlled substance medications which have been dispensed for residents of the institutional facility are maintained;
 - I. Attending, within the last two (2) years, a consultant pharmacist seminar which has been approved by the Board;
 - J. Maintain consultant pharmacist eligibility as described in Section 1.

3. A LTCF which is permitted by the Board and where the services of a consultant pharmacist are required shall have the following responsibilities:
 - A. Policy Manual. The institution shall develop policies and procedures regarding